

Message Text

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PAGE 01 STATE 306048
ORIGIN DLOS-06

INFO OCT-01 EUR-12 EA-07 ISO-00 ACDA-07 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00
DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-01
INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05
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TO AMEMBASSY BONN
INFO AMEMBASSY LONDON
AMEMBASSY PARIS
AMEMBASSY MOSCOW
AMEMBASSY TOKYO
AMEMBASSY BRUSSELS

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E.O. 11652:GDS

TAGS: PLOS

SUBJECT: LOS - BILATERAL CONSULTATIONS WITH FRG, BRUSSELS,
DECEMBER 11

REF: A) PARIS 36373 B) BRUSSELS 12155

SUMMARY
US LOS DEL MET WITH FRG DEL LED BY AMBASSADOR KNOKE IN
BRUSSELS, 11 DECEMBER TO REVIEW GROUP OF 5 MEETING (REFS
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PAGE 02 STATE 306048

(A) AND (B), TO RECEIVE FRG BRIEFING ON EC-9 HEADS OF DEL
MEETING 10 DECEMBER, TO GENERALLY EXCHANGE VIEWS ON LOS
AND GAIN FRG GENERAL SUPPORT FOR G-5/US INTERSESSIONAL
STRATEGY. WHILE GENERALLY REVIEWING LOS ISSUES, FRG
CLEARLY AWAITING NEW US ADMINISTRATION. THEY APPEARED
SLIGHTLY LESS DOCTRINAIRE ON C-I ISSUES THAN HAS BEEN THE

CASE BEFORE, NOT NECESSARILY OUT OF CONVICTION BUT RATHER POSSIBLY TO EASE INTO LINE WITH POSSIBLE CHANGES OF NATION MOST IN TUNE WITH US POLICY OBJECTIVES ACROSS THE BOARD. END SUMMARY.

,) COMMITTEE I:

DISCUSSIONS WERE HELD ON THE SYSTEM OF ACCESS, THE ROLE OF THE TWO COMMITTEE I CO-CHAIRMEN, FUNDING THE ENTERPRISE,

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THE REVIEW CLAUSE, ARTICLE 9 (PRODUCTION CONTROLS), THE COUNCIL, AND QUOTAS. IN GENERAL, WITH THE EXCEPTION OF COMPULSORY PAYMENTS FOR FUNDING THE ENTERPRISE AND QUOTAS, FRG AGREED WITH GROUP OF FIVE AND TOOK SIMILAR POSITIONS. (ON QUOTAS FRG SUPPORTED US POSITION.)

A) ACCESS - THE FRG REPORTED THAT AT EC CONSULTATIONS FRANCE AND UK HAD SUPPORTED TOUGH DEVELOPED COUNTRY LINE OF INSISTENCE ON PARALLEL SYSTEM. MOREOVER, THEY HAD ALSO SUPPORTED SOVIET POSITION EMPHASIZING THE QUOTE INHERENT AND PERMANENT RIGHT UNQUOTE OF STATE ACCESS TO THE AREA. FRG SAID THEY AGREED WITH THIS VIEW. FRG ALSO SUPPORTED GROUP POSITION THAT THE BANKING SYSTEM CONCESSION SHOULD BE WITHDRAWN AND THAT IT SHOULD NOT BE INSERTED INTO WORKING PAPER 3 FROM THE LAST SESSION UNLESS THE G-77 ACCEPTED PARALLEL SYSTEM (ALTHOUGH IT SHOULD BE NOTED THAT G-5 ALSO AGREED THAT WE COULD INDICATE, IF ASKED, THAT BANKING SYSTEM MIGHT NEVERTHELESS FORM PART OF THE FINAL ACCESS PACKAGE). FRG ENDORSED THIS APPROACH BE-
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PAGE 03 STATE 306048

CAUSE THEY SAID THAT THEY CONTINUED TO HAVE RESERVATIONS ABOUT ACCEPTING BANKING SYSTEM BECAUSE OF THE COSTS INVOLVED.

B) CO-CHAIRMAN -- THE FRG SAID THEY AGREED WITH THE GROUP OF FIVE POSITION ON DROPPING CO-CHAIRMAN ARRANGEMENT. SITUATION WAS DIFFICULT, HOWEVER, SINCE THEY AND OTHERS HAD SUPPORTED SONDAL OF NETHERLANDS AS ONE OF CO-CHAIRMEN. THE EC STATES WOULD HAVE TO WORK OUT ITS OWN MEANS OF HANDLING THIS SITUATION.

C) ENTERPRISE -- THE US NOTED THAT THE OFFER ON FINANCING ENTERPRISE CONTINUES TO REPRESENT US POSITION. US DELEGATION ALSO REPORTED THAT SOVIETS TOLD G-5 THEY WOULD NOT ACCEPT ANY SYSTEM REQUIRING MANDATORY CONTRIBUTIONS AND THAT ONLY COUNTRIES ACTUALLY ENGAGED IN MINING SHOULD CONTRIBUTE. FRG IN RESPONSE TOOK POSITION THAT A SCALE OF ASSESSMENTS SHOULD INCLUDE ALL STATES SINCE THE ENTER-

PRISE WAS THE MINING OPERATOR FOR ALL STATES AND ALL MANKIND. THEY WOULD DELAY TAKING A FINAL POSITION UNTIL AFTER NEW US ADMINISTRATION'S POSITION ON THE ISSUE WAS CLEAR.

D) TWENTY-FIVE YEAR REVIEW CLAUSE -- THE US INFORMED FRG THAT US PROPOSAL ON REVIEW OF EXISTING ACCESS SYSTEM INCLUDED OUR UNDERSTANDING THAT THIS SYSTEM WOULD CONTINUE TO OPERATE UNLESS US AND OTHER MAJOR POWERS AGREED BY CONSENSUS TO CHANGE SYSTEM. MOREOVER, EXISTING MINING SITES WOULD HAVE THEIR MINING RIGHTS GRANDFATHERED.

FRG REPORTED THAT SOME LDC LEADERS, SUCH AS PINTO OF SRI LANKA, THOUGHT OF THE 25-YEAR PERIOD AS A TRANSITIONAL ONE, PRIOR TO THE INAUGURATION OF A UNITARY ACCESS SYSTEM RUN BY THE AUTHORITY AND OPERATED BY THE ENTERPRISE. FRG SAID THEY COULD NOT SUPPORT SUCH A SYSTEM, AND THEY THEREFORE OPPOSED THE NIGERIAN PROPOSAL AS WELL AS THE SO-CONFIDENTIAL

CONFIDENTIAL

PAGE 04 STATE 306048

CALLED DUTCH PROPOSAL, WHICH CALLED FOR AN INTERIM DUAL ACCESS SYSTEM.

E). ARTICLE 9 -- FRG REPORTED THAT AT EC CONSULTATIONS THERE WAS NO CONSENSUS THAT THE PRODUCTION LIMITATION OF 6 SPECIFIED IN RSNT WAS THE LIMIT OF THEIR POSITION. US REPORTED THAT RSNT VERSION OF ARTICLE 9 WAS OUR BOTTOM LINE.

F) COUNCIL -- FRG REPORTED THAT UK, FRANCE, AND FRG ALL OPPOSED GRANTING THE EC REPRESENTATION IN BEHALF OF ITS MEMBERS ON THE COUNCIL AND THAT THE FRG HAD SO INFORMED THE EC COMMISSION.

G) QUOTAS -- FRG SAID THEY HAD SUPPORTED US POSITION OPPOSING ANY QUOTA PROVISION. HOWEVER, THEY ALSO REPORTED THAT THEIR INDUSTRY WOULD FAVOR A QUOTE MILD UNQUOTE FORM OF QUOTA IF A COMPETITIVE BIDDING SYSTEM WAS DECIDED UPON AS PART OF THE ACCESS SYSTEM.

2) COMMITTEE II/III

A) STATUS OF ECONOMIC ZONE. FRG GENERALLY AGREED WITH G-5 PACKAGE OF ARTICLES 44, 46, 75. HOWEVER, THEY DESIRED A CLEARER LIMITATION ON COASTAL STATE COMPETENCE OVER INSTALLATIONS, I.E., ECONOMIC INSTALLATIONS, IN ZONE (ARTICLES 44 AND 48). THEY ALSO QUERIED WHETHER UAE AMENDMENT TO ARTICLE 46(1) WAS STRONG ENOUGH AND FELT IT SHOULD BE STRENGTHENED. FRG SUPPORTED AUSTRALIAN ARTICLE 75 ON HIGH SEA STATUS.

B) STRAITS. FRG WILL CONTINUE TO PRESS AMENDMENT TO ARTICLE 2 ON TERRITORIAL SEA IN ORDER TO CLARIFY STATUS OF KADETT CHANNEL. THEY NOTED THIS DOES NOT INVOLVE AMENDMENT TO STRAITS ARTICLES. US HAS NO PROBLEM OF SUBSTANCE WITH FRG AMENDMENT, WHICH GOES BACK AT LEAST CONFIDENTIAL

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PAGE 05 STATE 306048

TO CARACAS SESSION, BUT NOTED COMPLICATIONS REGARDING CANADA, MIDDLE EAST STATES AND USSR.

C) COASTAL STATE COMPETENCE TO SET VESSEL POLLUTION STANDARDS IN TERRITORIAL SEA. FRG CONTINUES TO OPPOSE COASTAL STATE COMPETENCE TO SET CONSTRUCTION, DESIGN, EQUIPMENT AND MANNING STANDARDS. THEY THOUGHT THAT

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EXCLUDING CONSTRUCTION AND DESIGN FROM COASTAL STATE COMPETENCE MADE PROBLEM EASIER. SEEMED WILLING TO EXPLORE COMPROMISE ON ISSUE. REGARDING IMCO 1973 CONVENTION, FRG DOES NOT RPT NOT EXCEPT EARLY RATIFICATION.

D) MARINE SCIENTIFIC RESEARCH. FRG IS RETHINKING ITS PRESENT HARDLINE RESEARCH POSITION AS IT HAS NO SUPPORT IN CONFERENCE OR IN IOC.

3) COMPULSORY SETTLEMENT OF DISPUTES. US GAVE FRG INTERPRETERS COPY OF PRESIDENT'S NEW TEXT ON CDS WHICH HAS NOT BEEN OFFICIALLY ISSUED. ONLY POINT OF NOTE WAS THAT FRG DOES NOT SHARE FRENCH, UK, ETC. PREFERENCE FOR ARBITRATION, ALTHOUGH THEY WONDERED HOW SUPPORTIVE US WAS OF LOS TRIBUNAL. US INDICATED KEY POINT WAS NEED FOR BROAD SUPPORT FOR CDS NOT PARTICULAR AFFECTION FOR TRIBUNAL.

4) FRG REPORT OF EC-9 LOS HEADS OF DEL MEETING

A) ALL WANTED US TO CONTINUE TO PRESS CDS APPLICATION TO FISHERIES, NOTING US FISHERIES LAW TOUGHER THAN RSNT.

B) ITALY SUPPORTS MALTA AS SEAT OF SEABED AUTHORITY, WHILE OTHERS ARE SITTING BACK TO SEE WHAT G-77 WILL DO. (G-77 HAS ENDORSED JAMAICA BUT MANY HAVE SERIOUS RESERVA-
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PAGE 06 STATE 306048

TIONS.)

C) ACP/EC-9 SEMINAR ON C-I MATTERS WILL BE HELD 22-25
FEBRUARY IN BRUSSELS.

D) MEMBERS BELIEVE EC-9 DOES NOT RPT NOT HAVE COMPETENCE
OVER COMPLEX OF ARTICLES ON STATUS OF ECONOMIC ZONE.
(ARTICLES 44, 46, 75). HOWEVER, ALL MEMBERS SEEM WILLING
TO SUPPORT G-5 ON STATUS OF ZONE (AS WELL AS ON STRAITS.

5. AT A LUNCHEON WITH AMBASSADOR KNOKE, AMB. LEARSON
AND MR. OXMAN INFORMED HIM OF THE STATUS OF LEGISLATION
IN THE U.S., THE U.K.'S INTEREST IN COORDINATING WITH
US AND THE FRENCH INITIATIVE. THE FRG HAD NOT THOUGHT
ALONG THESE LINES, BUT HE INDICATED THAT HE WOULD IN-
FORM HIS FONOFF OF THESE DEVELOPMENTS.

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